

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

ORDER  
03-CR-140A

PETER HALAS, III,

Defendant.

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This case has been referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(A). Defendant filed a motion to suppress all evidence obtained as a result of the intercept order of the Hon. Milton Pollack, United States District Judge for the Southern District of New York, dated November 8, 2002, and the subsequent intercept orders of the Hon. William M. Skretny, dated March 4, 2003, April 2, 2003, May 14, 2003, May 30, 2003 and June 23, 2003, and of the Hon. John T. Elfvin, dated May 1, 2003.

On July 21, 2005, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion be denied.

Defendant filed objections to the Report and Recommendation on September 14, 2005, and the government filed a response thereto. The matter was submitted for decision without argument on May 26, 2006.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and

after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to suppress is denied.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: June 26, 2006